

# EXHIBIT 35

Christopher Nelson, Vol 1

June 02, 2017

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE SEAGATE TECHNOLOGY LLC  
LITIGATION,

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CASE NO. 5:16-CV-00523-RMW

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CONSOLIDATED ACTION,

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VIDEOTAPED DEPOSITION OF CHRISTOPHER NELSON

San Francisco, California

Friday, June 2, 2017

Reported by: Ashley Soevyn, CSR No. 12019

Job No. 2257

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<p style="text-align: right;">Page 14</p> <p>1 A I have purchased an eight-terabyte hard</p> <p>2 drive in the past year, and I had done some reading</p> <p>3 at that point.</p> <p>4 THE REPORTER: You said eight terabyte?</p> <p>5 THE WITNESS: Eight terabyte.</p> <p>6 BY MR. POPOVIC:</p> <p>7 Q Do you have an understanding of what this</p> <p>8 case is about?</p> <p>9 A Yes.</p> <p>10 MR. SIEGEL: Objection as to form. Just</p> <p>11 wait just a step beat.</p> <p>12 BY MR. POPOVIC:</p> <p>13 Q Let me just briefly, with respect to</p> <p>14 objections, your attorney may object to the form of</p> <p>15 a question, which gives me an opportunity to</p> <p>16 rephrase the question. Unless your attorney</p> <p>17 instructs you not to answer, though, if you're able</p> <p>18 to answer the question, and I don't withdraw it or</p> <p>19 reframe it, you should attempt to answer. Do you</p> <p>20 understand that?</p> <p>21 A Yes.</p> <p>22 Q Thank you.</p> <p>23 MR. POPOVIC: Can you read the last</p> <p>24 question back, please.</p> <p>25 THE REPORTER: Sure.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Which drive were you considering?</p> <p>2 A The Three-terabyte Backup Plus.</p> <p>3 Q We'll return to that topic later.</p> <p>4 Are you currently employed?</p> <p>5 A Yes.</p> <p>6 Q What's your job?</p> <p>7 A I test software.</p> <p>8 Q Who are you employed by?</p> <p>9 A Esurance.</p> <p>10 Q What kind of software do you test?</p> <p>11 A Our internal software that our service</p> <p>12 reps use.</p> <p>13 Q What does your testing of software</p> <p>14 entail?</p> <p>15 A I'm the user-experience tester. So I</p> <p>16 test it as the users would use it.</p> <p>17 Q And are the users customers of Esurance</p> <p>18 or employees of Esurance?</p> <p>19 A Employees.</p> <p>20 Q And those would be people who interact</p> <p>21 with external customers?</p> <p>22 A Correct.</p> <p>23 Q How long have you had that position?</p> <p>24 A Getting close to ten years.</p> <p>25 Q Have your responsibilities been the same</p>
<p style="text-align: right;">Page 15</p> <p>1 (Record read.)</p> <p>2 MR. SIEGEL: I objected as to form.</p> <p>3 BY MR. POPOVIC:</p> <p>4 Q What is your understanding of what this</p> <p>5 case is about?</p> <p>6 A That the specific model, the</p> <p>7 three-terabyte hard drive, has a very low</p> <p>8 reliability.</p> <p>9 Q Do you recall whether you read anything</p> <p>10 about the reliability of hard drives prior to your</p> <p>11 purchase of a Seagate three-terabyte hard drive?</p> <p>12 A Yes.</p> <p>13 Q Do you recall that you did read</p> <p>14 something?</p> <p>15 A Uh-huh.</p> <p>16 Q What did you read?</p> <p>17 A I read information on Seagate's website.</p> <p>18 Because at the time that was the only place that I</p> <p>19 could really find much information on those drives.</p> <p>20 Q Do you recall what information you read</p> <p>21 on that website?</p> <p>22 A I read the marketing information specific</p> <p>23 to the drive that I was considering. And I also</p> <p>24 read as much of the technical information as I could</p> <p>25 find.</p>	<p style="text-align: right;">Page 17</p> <p>1 through that entire ten-year period?</p> <p>2 A I have specialized in a couple different</p> <p>3 areas of the software that we use.</p> <p>4 Q So it's testing different kinds of</p> <p>5 software over time?</p> <p>6 A Yes.</p> <p>7 Q Thank you.</p> <p>8 Does your job involve testing hardware at</p> <p>9 all?</p> <p>10 A No.</p> <p>11 Q Does your job involve using hard drives?</p> <p>12 A No. Well, incidental to using a</p> <p>13 computer.</p> <p>14 Q In the sense that things are stored on</p> <p>15 hard drives when you're using a computer?</p> <p>16 A Yes.</p> <p>17 Q Prior to Esurance, were you employed</p> <p>18 before that?</p> <p>19 A Yes.</p> <p>20 Q Where were you employed most recently,</p> <p>21 before Esurance?</p> <p>22 A Office Max.</p> <p>23 Q What was your job at Office Max?</p> <p>24 A Sales associate.</p> <p>25 Q What was the approximate time period?</p>

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1 A No. Each time I tried to access the hard  
2 drive, it basically got worse.  
3 Q How did it get worse?  
4 A A larger number of errors.  
5 Q Did you take any other steps to attempt  
6 to recover the lost data?  
7 A Such as?  
8 Q Such as hiring a vendor to recover it for  
9 you.  
10 A No.  
11 Q Such as asking Seagate if they can help  
12 you recover.  
13 A No.  
14 Q Why not?  
15 A The errors that were occurring indicated  
16 to me that there was nothing to recover.  
17 Q So you believe that the data was gone and  
18 there was no possible way anyone could recover it?  
19 A That's correct.  
20 Q Did you have that data anywhere else,  
21 stored anywhere else?  
22 A The data that was lost?  
23 Q The data that was on that hard drive that  
24 was lost.  
25 A I'm not sure I understand specifically

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1 what you're asking.  
2 Q In the complaint, you allege, in  
3 Paragraph 145, that you lost data, including,  
4 without limitation, irreplaceable photos and  
5 documents. And I'm asking you whether those  
6 irreplaceable photos and documents were stored  
7 anywhere other than the Seagate hard drive.  
8 A The documents that were lost I did not  
9 store on any other drive or in any other medium.  
10 Q Documents and photos, or just documents?  
11 A Yeah. Yes.  
12 Q Both?  
13 A Both.  
14 Q Do you know what RAID is?  
15 A Redundant array of inexpensive disks.  
16 Q Do you know what NAS is?  
17 A Network attached storage.  
18 Q Did you purchase your three-terabyte  
19 Backup Plus hard drive for RAID use?  
20 A I did not.  
21 Q Did you purchase it for NAS use?  
22 A I did not.  
23 Q Prior to purchasing your Seagate  
24 three-terabyte hard drive, did you read any  
25 statements by Seagate about the drive suitability

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1 for RAID?  
2 A Yes.  
3 Q Where did you read those?  
4 A I believe they were in the marketing  
5 materials for the drives.  
6 Q Seagate's marketing materials?  
7 A Yes.  
8 Q But you did not intend to use the drive  
9 for RAID; is that correct?  
10 A That's correct.  
11 Q Prior to purchasing the drive, did you  
12 read any statements by Seagate about NAS use?  
13 A Yes.  
14 Q Was that also in Seagate's marketing  
15 materials?  
16 A Yes.  
17 Q But, as with RAID, you did not intend to  
18 use the drive for NAS; is that correct?  
19 A Because I can't say that I did initially,  
20 but I didn't have a router at the time that would  
21 allow that.  
22 Q Did you at some point subsequently decide  
23 you were going to use it for NAS?  
24 A I -- I contemplated it but did not.  
25 Q So you never used it for NAS?

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1 A No.  
2 Q Was the drive's suitability for NAS use a  
3 factor in your decision to purchase it?  
4 A With an eye towards using it that way in  
5 the future, yes.  
6 Q Was the drive's suitability for RAID use  
7 a factor in your decision to purchase?  
8 A It was.  
9 Q How was it a factor in your decision to  
10 purchase if did you not intend to use it for RAID?  
11 A It indicated that the hard drive was --  
12 would be good for use in a high-reliability  
13 situation.  
14 Q So you considered the statements about  
15 RAID an indication or an indicator of reliability?  
16 A Yes.  
17 Q Have you ever set up a RAID array?  
18 A Once or twice.  
19 Q Have you ever done a RAID array that uses  
20 Seagate hard drives?  
21 A I don't recall all the hard drives that I  
22 used.  
23 Q What type of RAID array, or arrays, have  
24 you set up?  
25 A Mirrored striping with parity, striping

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<p style="text-align: right;">Page 170</p> <p>1 I, CHRISTOPHER NELSON, do hereby declare</p> <p>2 under penalty of perjury that I have read the</p> <p>3 foregoing transcript; that I have made any</p> <p>4 corrections as appear noted, in ink, initialed by</p> <p>5 me, or attached hereto; that my testimony as</p> <p>6 contained herein, as corrected, is true and correct.</p> <p>7 EXECUTED this _____ day</p> <p>8 of _____,</p> <p>9 20____, at _____, _____.</p> <p style="text-align: center;">(City) (State)</p> <p>10</p> <p>11</p> <p>12</p> <p>_____ 13 CHRISTOPHER NELSON</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 171</p> <p>1 I, the undersigned, a Certified Shorthand</p> <p>2 Reporter of the State of California, do hereby</p> <p>3 certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth;</p> <p>6 that any witnesses in the foregoing proceedings,</p> <p>7 prior to testifying, were duly sworn; that a record</p> <p>8 of the proceedings was made by me using machine</p> <p>9 shorthand, which was thereafter transcribed under my</p> <p>10 direction; further, that the foregoing is a true</p> <p>11 record of the testimony given.</p> <p>12 I further certify I am neither financially</p> <p>13 interested in the action nor a relative or employee</p> <p>14 of any attorney or party to this action.</p> <p>15 IN WITNESS WHEREOF, I have this date</p> <p>16 subscribed my name.</p> <p>17</p> <p>18 Dated: _____</p> <p>19</p> <p>20</p> <p>21 <i>Ashley Soevyn</i></p> <p>22 ASHLEY SOEVYN</p> <p>23 CSR No. 12019</p> <p>24</p> <p>25</p>
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